

EXHIBIT B

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1 MS. DUPHILY: This is the
2 videotape deposition of Mr. Charles Bireley, taken
3 by the Plaintiff in the matter of Dobrich, et.al,
4 versus Indian River School District, et.al. The
5 case number is 15-120.

6 The deposition is being held at 31
7 Hosier Boulevard. We are going on the record on
8 October 11, 2006 at approximately 9:15 a.m.. The
9 court reporter is Dave Sroka from the firm of Wilcox
10 & Fetzer. I am Lindsay duPhily from Discovery Video
11 Services. Now the counsel will introduce themselves
12 and then the court reporter will swear in the
13 witness.

14 MR. ALLINGHAM: Tom Allingham
15 representing the Plaintiffs and with me are Richard
16 Horvath and Brian Lenhard.

17 MR. GOSSELIN: Jason Gosselin
18 representing the Indian River School Board.

19 CHARLES BIRELEY,

20 The Witness herein, called for examination by
21 the Plaintiffs, having been duly sworn to tell the
22 truth, the whole truth, and nothing but the truth,
23 was examined and testified as follows:
24 examination by him to.

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1 would be made tjere regarding whether or not to
2 change our past practice. I take it that it was not
3 felt means it was not felt bit Board members,
4 correct?

5 A. Yes.

6 Q. And it was not felt a decision would be
7 made this evening rash whether or not no change our
8 past practice what was it that the Board members
9 needed for before they could make a decision about
10 whether or not to change Mr. Past practice?

11 A. Advice from an attorney.

12 Q. It minute PX14 say that it purpose going
13 into executive session which lasted four hours and
14 15 minutes was to seek advice from your legal
15 counsel on there issue, right?

16 A. Yes.

17 Q. Was there is a was there something wrong at
18 4 hours after 15 minute you had already gotten to it
19 issue?

20 A. I would say that it was like they wanted a
21 second opinion.

22 Q. And you say it was like they wanted a
23 second opinion, is it they just I didn't know the
24 Board members this a group that that was urgent that

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1 the board get a second opinion?

2 A. I would say it was the board members.

3 Q. All?

4 A. I would say yes. I don't have any first
5 hand edge that this anyone did not want had a.

6 Q. Did you cry have I instant which the
7 boarded in the past received advice from Mr. Griffin
8 and then decision to getting a second opinion?

9 A. Yes.

10 Q. Give she an example?

11 A. I can't give you a specification example
12 but it happened.

13 Q. Afternoon is that because the board didn't
14 like at advice that it get from Mr. If I have
15 finance

16 MR. GOSSELIN: Objection.

17 Q. You may answer?

18 A. We might not agree with what yes, that's
19 true.

20 Q. Was there is a what happened in there
21 instant?

22 A. I think so.

23 Q.

24 MR. GOSSELIN: I don't want to

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1 how the board would go an about getting a second
2 opinion.

3 Q. As somebody assigned to get at find a
4 lawyer what was it process to get had a second
5 opinion?

6 A. Usual it's through at administration the
7 superintendent.

8 Q. As it your best recollection that the board
9 members agreed to tell Mrs. Hobbs to find a way to
10 give the board a second opinion on this issue?

11 A. To the best of my knowledge.

12 Q. And do you know whether the board in a?

13 A. In fact received any further legal advice
14 on there issue?

15 A. I believe we did.

16 Q. And now I want to redirect my questions now
17 to the period preceding adoption of the policy, so
18 we are going up to October 19 when you actually
19 adopted the policy, okay. From whom did you receive
20 additional legal advice between the period August
21 23, 2004 and October 19, 2004?

22 A. Mr. Neuberger.

23 Q. And when did the board receive that advice?

24 A. I am not sure of the time frame.